

Minutes

Meeting No.: 175
Date: Tuesday 3 October 2023 at 2.00 pm
Location: Level 1 Meeting Room No. 1.01 (Florentine),
40 Elizabeth Street, Hobart

PRESENT

Board

- Wes Ford (Member)
- Belinda Hazell (Deputy Chairperson)
- Ian Cresswell (Member)
- Mark Gifford (Deputy Member) via Teams

Other attendees

- Martin Read (Executive Director, Environmental Assessments, EPA)
- Grace Vaszocz (Executive Assistant, Directorate, EPA)
- Edith O'Shea via Teams (Principal Assessment Officer, Assessments, EPA)
- Rachel Alexander (Senior Environmental Officer, Industrial Operations, EPA)
- Catherine Browning (Senior Environmental Officer, Assessments, EPA)
- David Oldmeadow via Teams (Principal Assessment Officer, Assessments, EPA)
- Lauryn Kitchener (Assessments Officer, EPA) (observer)

Meeting commenced at 2.05pm

175.1 Apologies

Apologies were noted from Andrew Paul and Amanda Locatelli.

175.2 Minutes of Board meetings

a. 174th EPA Board Meeting minutes held on the 5th September 2023

The Board resolved to:

- Approve the minutes as a true and accurate record of the 174th EPA Board Meeting held on the 5th September 2023

175.3 Board Decision Register

The Board noted the Decision Register that was circulated.

175.4 Declaration(s) of Interests

The Board noted the declarations of interests.

175.5 Delegations

The Board noted the decisions made under delegation since the previous meeting.

a. Ratification of previous extension decisions under Delegation

The Board discussed the paper and requested a number of revisions to Table I (moving columns relating to total periods of extensions and due date of EIS/DPEMP and that an expiry date is added. The paper will be circulated to Board members for final ratification once Table I has been revised in December.

The Board resolved to:

- Validate and ratify any decisions that have been misapplied by the Director and Executive Director presented in Table I.
- Given an identified conflict of interest delay the Boards consideration of Table 2 relating to approvals under delegation under s27J of EMPCA until a quorum of Board members allows a decision without the conflicted Board member being present.
- Approve an Out of Session register to be added to document.

175.6 Actions arising

The Board resolved to:

- Note the status of items listed on the Actions Arising

175.7 Standing action items

a) Register of Instruments under s.22 of EMPA

Board noted the paper as presented.

Items for Decision

Note: The Order of Agenda items was amended to move urgent decision items further up the agenda to allow full discussion by the Board members. This included 175.11, 175.8 and 175.10

175.11 Nook Quarry Intensification

EPA staff joined the meeting in person and via Teams.

EPA staff provided an overview of the Proposal to the Board and Board members discussed key environmental issues associated with the intensification including the scale and duration proposed, issues related to air quality and the availability of water. The Board also discussed non-compliances associated with the site and recent Environmental Infringement Notices issued. The Board made the following general comments on the proposal

- The Board agreed that 105.8 years is an extremely long period of time for an approval with the general comment that a 16-25 years timeframe for approval before review would be more viable. The Board members agreed that a 16 year timeframe was appropriate.

Air quality evaluation within the Environmental Assessment Report was more comprehensive than other environmental matters.

Operations

The Board suggested a number of changes to operational conditions to ensure that appropriate checks and “re-assessment” points were in place to review and assess the environmental performance of operations. These include:

OPI.1 – Change to reflect that the activity must be confined to the authorized activity area.

OPI.2 – There should be no increase in extraction (between 340m and 330m) without the approval of the Director.

OPI.5 – A new permit application must be submitted for extraction below 340m AHD, expansion of the activity outside the Expanded Authorised Activity Area and Expansion of the Extractive Area outside the Expanded Authorised Activity Area.

- The Board noted that **OP3** (Weed and Disease Management) has been added into Permit as a new standard condition.

Blasting

The Board queried whether there had been any consideration of blast fumes given the closeness of sensitive receptors given it can be a significant problem particularly regarding the toxicity of fumes., and if there was value in a standard condition “No blast fumes leave the premises”. The Board requested that this should be revisited by EPA staff and consider Blast exceedance.

The Board raised a question around condition **AI** relating to covering of vehicles and dust suppression on a public road. EPA staff stated that it is a public road up until the boundary of the land.

DC5 should be explicit that there shouldn't be escape of dust – recommended that words are added around dust suppression and the requirement for a dust management plan to address all forms of dust emissions including stockpiles.

- The Board recommended that a Dust Management Plan be added into the Permit.
- The Board recommended that a Blast fume management plan to be added to the permit and this to be reviewed every 5 years.
- The Board also discussed the potential to “bulk up” the blast management plan to include blast fumes under condition **B5** and to increase the maintenance of monitoring records from 2 years to 5 years (**B5.3**)

Effluent

- It was noted that the Erosion and Sediment Control Plan was not for the life of the proposal. The Board agreed that this must be a “living document” and cover impacts to environments close to the creek. The Board agreed that the ESCP should be updated as necessary to reflect stage of works or other changes to the activity.

Biodiversity

- The Board considered on whether a buffer zone should be in place for Coal Creek to mitigate the risk for freshwater crayfish and were advised that this would not be an issue under the 16 year level, but may still be a potential risk with expansion.
- **FF4.1.2** – remove the word baseline to clarify that this condition refers to further vegetation condition surveys.
- The Board agreed that in clauses in **FF2** and subclauses **2.1** and **2.2** include the wording that vegetation clearance within 50m of devil dens and decommissioning of dens must be approved in writing by the Director.

No changes to both Ground Water and to Monitoring

The Board resolved to:

- Note that given extensive comment on the permit and conditions, reasonable amendment to the Permit is now required.
- Board Recommended that the proposal be placed on the November Board Meeting for consideration.

175.8 Board Delegations – Alignment with contemporary assessment work environment

The Board approved all proposed delegations with the exception of the recommendation to delegate the power to consent to a minor amendment under s 25(8)(e) of EMPCA to those positions under Schedule 2A and Schedule 2B.

175.9 Rejection of Assessment – King Island Multi Species Abattoir Pty Ltd

Noted this assessment has not progressed for two and half years. Board agreed with recommendation to have assessment withdrawn.

175.10 EPA Annual Report 2022-23 for Approval

The Board accepted the final Draft of the EPA Annual Report as presented.

The Board noted two minor spelling errors in the report to be amended and two grammatical errors in the Media Release.

175.12 Western Plans Wind Farm – Request to amended Project specific Guidelines

The Board resolved to deal with this agenda item out of session.

175.13 Bluestone Mines Tasmania Joint Venture Pty Ltd – Extension to Lodge EIS

The Board resolved to deal with this agenda item out of session.

175.14 Tasmanian Advanced Minerals Pty Ltd – Extension of time to lodge EIS

The Board resolved to deal with this agenda item out of session.

Items for Noting

175.15 St Patricks Wind Farm – Central Highlands – Potential impact on threatened eagles

Noted paper was well written and presented.

175.16 Assessments in Progress

The Board resolved to:

- Note Assessments in Progress and Other Assessments Report.

175.17 Media Releases

The Board resolved to:

- Note media releases were on the EPA website.

175.18 Correspondence

Nil

175.19 Other Business

There was no other business discussed at the 175th EPA Board meeting.

175.20 Strategic Issues

There were no strategic issues discussed at the 175th EPA Board meeting.

175.21 Review of Meeting

The Board noted that there had been sound discussions and presentations at this meeting.

I 75.22 Next Meeting

Next Board Meeting is to be held on Tuesday the 7th November 2023 at 2.00pm

Meeting closed at 5:17pm.

Minutes endorsed by:

Belinda Hazell

Deputy CHAIRPERSON

BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE: 7 November 2023